

REMARKS

Upon entry of the present paper, no claims will have been canceled, amended or added. Accordingly, claims 28, 29, 36 to 48 and 55 to 63 will remain pending herein and will have been finally rejected by the Examiner in the outstanding Official Action.

In view of the herein contained remarks, Applicants respectfully traverse the outstanding rejection and submit that it is inappropriate with respect to the combination of features recited in Applicants' pending claims. Accordingly, Applicants respectfully request reconsideration and withdrawal of the outstanding rejection together with an indication of the allowability of all of the claims pending in the present application, in due course. Such action is now believed to be appropriate and proper and is thus respectfully requested.

In the outstanding Official Action, the Examiner rejected claims 28, 29, 36 to 48 and 55 to 63 under 35 U.S.C. § 103 (a) is being unpalatable over KITADA et al. (U.S. Patent Application Publication No. 2004/0024811) in view of TANIMOTO (U.S. Patent No. 6, 885, 469). Applicants respectfully traverse the above noted rejection.

In particular, Applicants respectfully submit that the combination of features recited in each of Applicants claims is not disclosed, taught, suggested or rendered obvious by either of the two cited references or by any proper combination of the cited references. Moreover, the Examiner has not set forth any logical reasoning whatsoever supporting the proposed combination and Applicants' respectfully submit that there is no reason whatsoever to combine the references in the manner proposed by the Examiner. Yet further, Applicants respectfully submits that even if so combined, the disclosures of

these two references would still not render the pending claims unpatentable under 35 U.S.C. § 103.

Applicants invention is directed to a multifunction apparatus having at least a scanning function and not having a facsimile transmission function. The multifunction apparatus is connected with a server via a network, the server storing information regarding a menu, the menu being displayable on the multifunction apparatus. A panel is configured to display a menu representing functions of the multifunction apparatus and a controller is configured to communicate with the server, to receive the information regarding the menu from the server, and to display a menu on the panel based on the information regarding the menu received from the server. The controller is further configured to send, to the server, based on the information regarding the menu, scanned image data together with predetermined information indicating another multifunction apparatus having a facsimile transmission function and be capable of transmitting the image data to a receiving apparatus by facsimile transmission, when a predetermined menu indicating a facsimile transmission function is displayed on the panel of the multifunction apparatus, the information regarding the menu including the predetermined menu indicating the facsimile transmission function. When the facsimile transmission is selected on the predetermined menu, the server transmits, to the another multifunction apparatus, the image data scanned by the multifunction apparatus, based on the predetermined information, the server being distinct from the multifunction apparatus and from the another multifunction apparatus.

In setting forth the rejection, the Examiner asserted that KITADA et al. teaches a multifunction apparatus not having a facsimile transmission function and directed

Applicants attention to paragraph [0023] lines 15 through 16. However, the above noted paragraph does not in any manner support the Examiner's position that the multifunction apparatus of KITADA et al. does not have any facsimile transmission capability.

In the above quoted paragraph, KITADA et al. merely a indicates that a multifunction device (MFD) may or may not have a facsimile transmission capability. However it is quite clear that the multifunction device discussed throughout KITADA et al. disclosure clearly has a facsimile transmission capability. In other words, KITADA et al. discloses that although there are multi-function devices in existence that do not have facsimile transmission capabilities, the disclosure thereof relates to and is applicable to a multifunction device that clearly has a facsimile transmission function or capability. This is clearly and explicitly evidenced by paragraph [0026], wherein KITADA et al. discloses that if the user requests a scanned document to be faxed, scan server 40 routes the scanned document to a fax server 80.

Moreover, as is clearly illustrated in figure 3, the multifunction device of KITADA et al., in the introductory screen, includes a button 310, which, when touched, displays a screen such as screen 500 (shown in Figure 5) that permits the user to fax a document. Further, paragraph [0048] indicates that on touching the "OK" button 535, the information received by the screen 500 can be processed by the MFD to fax the documents.

Thus, it is clear from numerous portions of the KITADA et al. disclosure that the multifunction apparatus disclosed therein includes and utilizes a facsimile transmission function. In other words, since the multifunction device of the primary reference includes a facsimile transmission capability or function, there is no logical reason whatsoever for

utilizing "another multi-function apparatus" as set forth in the present claims. The utilization of the another multi-function apparatus is to compensate for the lack of facsimile transmission capability in the multi-function apparatus to which the claims of the present application are directed. There is also, accordingly, no reason to send, to the server, based on the information regarding the menu, scanned image data together with predetermined information indicating another multifunction apparatus having a facsimile transmission function. Since the multifunction device of KITADA et al., has a facsimile transmission capability, these additional recited features of the present invention are not necessary and are not disclosed therein.

For this reason alone it is respectfully submitted that the Examiner's rejection is inappropriate and that the claims in the present application are clearly patentable over the combination of references applied thereagainst.

In setting forth the rejection, the Examiner additionally asserts that the controller of KITADA et al., sends, to the server, based on the information regarding the menu, scanned image data together with predetermined information indicating another multifunction apparatus having a facsimile transmission function and being capable of transmitting the image data to a recipient. In this regard, the Examiner relies on paragraphs [0026], [0047] and [0048]. However, Applicants respectfully submit that none of the above noted paragraphs support the Examiner's assertions regarding the disclosure and teachings of the KITADA et al., reference.

In particular, KITADA et al. discloses that if the user requests a scanned document to be faxed, scan server 40 routes the scanned document to a fax server 80. However such routing of a scanned document is not "based on the information regarding

the menu" as required by Applicants claim, but is rather based upon selected addresses/numbers received from the MFD 20. Further KITADA et al. that does not disclose sending scanned image data together with "predetermined information indicating another multifunction apparatus" as required by Applicants claim. In this regard, paragraphs [0047] and [0048] merely disclose the ordinary and conventional manner of faxing scanned material by a multifunction device that has a facsimile transmission capability of its own and is thus of little relevance to Applicants claims, which explicitly relate to a multifunction device that does not have a facsimile transmission function or capability. For this additional reason it is respectfully submitted that the Examiners rejection is inappropriate with respect to the combination of features recited in Applicants claims.

In setting forth the rejection, the Examiner relies upon paragraphs [0051] and [0057] to teach a server storing information regarding a menu. However, paragraph [0051] refers to figure 7 which illustrates a method of authenticating a user according to an embodiment of the therein disclosed invention. Further, paragraph [0057] merely relates to and illustrates a block diagram of the server and does not disclose a menu as defined in Applicants claim. In particular, the above two paragraphs of KITADA et al. do not disclose a controller that sends to the server, based on the information regarding the menu, scanned image data together with predetermined information indicating another facsimile apparatus having a facsimile transmission function and being capable of transmitting the image to a receiving apparatus. There is no indication in KITADA et al. that scanned image data, together with predetermined information indicating another multifunction device is sent to the server by the controller. In other words, the controller

does not transmit the scanned image data together with information, such as an address of an intermediate (i.e. another) multifunction apparatus which can then transmit the image data to the receiving apparatus via facsimile transmission. For this additional reason it is respectfully submitted that Applicants claims are clearly patentable over the references of record herein.

In the outstanding rejection, the Examiner admits that KITADA et al. does not teach the other apparatus to be a multifunction apparatus that transmits the image data to a receiving apparatus by facsimile transmission. The Examiner thus relies upon TANIMOTO to provide the admitted shortcomings of KITADA et al. However, the Examiner's reliance on TANIMOTO in this regard is misplaced. TANIMOTO does not teach or supply the shortcomings of KITADA et al.

In this regard, Applicants claim recites that the another multifunction apparatus is capable of transmitting the image data to a receiving apparatus by facsimile transmission. At least this feature is not disclosed by TANIMOTO. In this regard, Applicants notes that TANIMOTO, while dealing with facsimile data, actually transmits the data via LAN 3, as is clearly set forth at column 5, lines 45 and 46 and 54 through 56.

Moreover, Applicants claims relate to a lack of a facsimile transmission capability in a multifunction apparatus. In contrast, TANIMOTO relates to detection of errors within a facsimile server, not in a multifunction device. Additionally, Applicants note that the facsimile server (1) clearly includes a facsimile transmission capability or function. Thus, there is no basis, logical reason or rationale for the Examiner's combining a device that utilizes LAN transmission to compensate for detected errors in a

facsimile server with a device that discloses conventional facsimile transmission capabilities.

Although in Figure 3 of TANIMOTO step S38 recites "send fax data to specified address" as previously noted, column 5, lines 54 through 56 indicate that the stored message is sent to the forwarding address (input by the user at step S34) over LAN 3 (step S38). Thus, even if combined as proposed by the Examiner, the combination would not teach compensating for a functional shortcoming of a multi-function apparatus that does not have a facsimile transmission capability by utilizing the facsimile transmission capability of another multi-function apparatus.

Applicants' further wish to note the discussion during a telephone interview with the Examiner conducted on December 6, 2007 which was made of record in the response filed in the present application on December 26, 2007. During the above noted interview, Applicants representative explained that the present invention relates to a multifunction apparatus that does not include a facsimile transmission capability and which scans and transmits the scanned image data of a document to a server together with information identifying another multifunction apparatus which does have a facsimile transmission capability. The another multifunction apparatus is capable of and is controlled to transmit the image data to a receiving apparatus by a facsimile transmission. Such transmission is performed by means of the menu which is displayable on a panel of the multifunction apparatus (that does not have the facsimile transmission function) as recited in the claims defining Applicants' invention.

Applicants representative additionally pointed out, during the above noted interview, that the utilization of the menu, as recited in Applicants claims, enables the

transmission of data via facsimile, from a multifunction apparatus that does not have a facsimile transmission capability, through the intermediary of another multifunction apparatus that does have a facsimile transmission capability, to a receiver of the data, is not taught, disclosed, or rendered obvious by any of the references of record therein.

During the above noted interview, Applicants' representative also pointed out that there is no provision made in the system of KITADA et al., for providing a menu that enables a multi-function apparatus that does not have a facsimile transmission function, to communicate, via facsimile transmission with a receiving apparatus. Although the Examiner has now relied upon a secondary reference to overcome the shortcomings of the primary reference, each of the above noted shortcomings and deficiencies of the primary reference are also shortcomings and deficiencies of the proposed combination and accordingly, Applicants claims are clearly patentable thereover.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the outstanding rejection together with an indication of the allowability of all the claims pending in the present application, in due course.

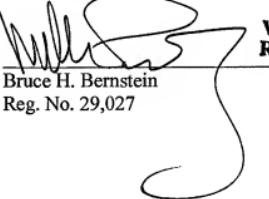
SUMMARY AND CONCLUSION

Applicants have made a sincere effort to place the present application in condition for allowance and believe that they have not done so. Applicants have not amended the claims but have traversed the propriety of the Examiner's rejection asserted against the claims pending in the present application. Applicants have discussed the disclosures of each of the references relied upon by the Examiner. Applicants have pointed out the shortcomings of each of these references with respect to the explicit recitations of Applicants claims. Applicants have additionally pointed out that there is no proper logical reasoning (set out by the Examiner or otherwise) in support of the proposed combination. Applicants have additionally pointed out that even if combined as proposed by the Examiner, the references relied upon would not render obvious the combination of features recited in Applicants claims. Accordingly, Applicants have provided a clear evidentiary basis supporting the patentability of the claims pending in the present application and respectfully request an indication to such effect, in due course.

Should the Examiner have any questions or comments regarding this Response, or the present application, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,
Koichi NAGOSHI et al.

Bruce H. Bernstein
Reg. No. 29,027


William Pieprz
Reg. No. 33,630

July 8, 2008
GREENBLUM & BERNSTEIN, P.L.C.
1950 Roland Clarke Place
Reston, VA 20191
(703) 716-1191